



**REGULAR MEETING
MINUTES OF ACTIONS
Wednesday, October 24, 2012
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 PM

Case Review Roll Call

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
✓	✓	✓	✓	✓	✓	✓	S	✓

✓ = Present B = Absent / Business S = Absent / Sick V = Absent / Vacation O = Absent / Other
 UE = Absent / Unexcused L = Late LE = Left Early ■ = Vacant

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comment

There were no public comments.

Closed Session – Case Review

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:45 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	12-010	PC-12-06026
2)	12-023	PC-12-08032

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

REGULAR MEETING – 5:30 PM

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
✓	✓	✓	✓	✓	✓	✓	S	✓

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STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

Vivian Moreno said that Karen Wright was assaulted by RPD officers after she went 16 seconds over the three-minute public comment time.

Mary Shelton said that she didn't attend the Council meeting, but she received many phone calls about the incident and the officers' actions. She said that Karen Wright wasn't at the podium when the officers were aggressive. She noted that many officers don't want to work at Council meetings because of what they may be "ordered" to do.

Christina Duran said that she has seven daughters and that she was traumatized by the way Ms. Wright was treated. She said she doesn't like the idea of RPD officers being used as "muscle" at Council meetings. She also noted that Ms. Wright is disabled and should not have been thrown on the floor.

Dvonne Pitruzello said the incident was very disturbing and that she is still shocked at what happened. She said that Mayor Loveridge was the one who made the call for the officers' assistance, but the officers took the next step, wrestling Ms. Wright to the ground and handcuffing her. She said she had never seen those officers before. She said Ms. Wright is not a threat and that complaints will be filed.

Stephanie Dingman said she knows what officers do because her husband does POST training of RPD officers. She said she was appalled by the incident at the Council meeting. And couldn't believe there was such physical action that was taken against a member of the public. She said that Council and the Mayor do not have the right to treat people in such a manner. Every citizen has the right to speak and when people go over the time limit, it's because that person's needs have not been addressed. She said it was excessive to call in three officers for one woman.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) September Regular Meeting Minutes, as corrected	Rotker	Johnson	Unanimous	0	0

RPD Briefing

Preliminary briefing regarding the officer-involved death incident on October 14, 2012

Asst. Chief Chris Vicino briefed the Commission on the Sherron incident. (The audio, along with the slide show presentations, is available on the CPRC website.) He also noted that the Commission investigator's 30-day response wait was lifted. Mr. Hauptmann and Mr. Bumcrot, the CPRC's investigator, were also invited to attend RPD's 48-hour Briefing, which is presented to RPD's Command Staff and others by those who investigated the incident. Mr. Hauptmann and Mr. Bumcrot will be invited to all future 48-hour briefings.

Commissioner Rotker:

- thanked Asst. Chief Vicino and Chief Diaz for inviting Mr. Hauptmann and Mr. Bumcrot to the briefing and that the invitations will continue with future incidents.
- How far was the subject from the officers?
 - Four to five feet.
- Was there verbal communication with him before he was shot?
 - Not that I know of. Officers told him to put the gun down and come out of the apartment.
- Was the door fully open?
 - Yes, it was completely open.
- Went to the Airsoft website. All the guns shown have a yellow or orange protrusion on the end, but suspect's gun did not.
 - It's unknown whether or not it ever had a colored tip.

Commissioner Johnson:

- 12 rounds were said to have been fired. How many struck the subject?
 - Do not yet have that information from the Coroner.

Chairwoman Roberts:

- The subject was on the phone with Dispatch for 15 minutes. Was the call terminated before the incident occurred?
 - No. The dispatcher heard what happened.
- Was a call made for mental health assistance?
 - No. Dispatchers have training to assist with situations of this nature. The dispatcher couldn't get the subject to leave gun behind.

Chairwoman Roberts thanked Asst. Chief Vicino for the briefing.

Outreach

A) October Outreach

Commissioner Johnson:

- September 29 – Cruisin' Under the Stars
- September 30 – Car Show at Duke's Bar and Grill
- October 24 – Presentation: Riverside Optimists Club

Commissioner Smith:

- September 29 – Golden Badge Award Dinner
- October 17 – RPD Community Outreach Lecture Series, Part 2, at Martin Luther King, Jr. High School
- October 24 – Riverside County Psychiatric Hospital Meeting – 1-on-1

Commissioner Sawyer:

- September 29 – Golden Badge Award Dinner
- October 6 – Arlanza / Solander Community Fair at Bryant Park

Commissioner Rotker:

- September 29 – Golden Badge Award Dinner
- October 14–18 – NACOLE Conference in San Diego

Vice-Chair Jackson:

- October 14–18 – NACOLE Conference in San Diego
- October 24 – Presentation: Riverside Optimists Club

Commissioner Ortiz:

- September 29 – Golden Badge Award Dinner
- October 6 – Arlanza / Solander Community Fair at Bryant Park
- October 14–16 – attended a portion of the NACOLE Conference in San Diego

Chairwoman Roberts:

- September 29 – Cruisin' Under the Stars
- October 14 – Riverside African-American Historical Society Banquet
- October 14–18 – NACOLE Conference in San Diego

Mr. Hauptmann:

- October 6 – Arlanza / Solander Community Fair at Bryant Park with Ms. Sherron
- October 16 – Co-Presentation regarding civilian oversight at San Bernardino County Police Chiefs' Association's Annual Training Seminar.
 - Discussed the cause of Riverside's formation of its oversight body, how it was formed, and the City's Charter;
 - The other item of discussion was the Stipulated Entry of Judgment as only two police chiefs in California have dealt with an investigation by the State Attorney General: former RPD Police Chief Russ Leach and himself while Chief of Police for the Maywood-Cudahy Police Department;
 - Any agency is one incident away from a disastrous situation that can trigger Federal agencies and the State Attorney General's office.

B) Scheduled Outreach Events

- 1) Presentation to Dr. Thompson's Community Relations Class at RCC, October 29th at 6 PM

Chairwoman Roberts noted

- that Mr. Hauptmann would be presenting;
- that she would try to attend.

C) Future Outreach Opportunities

- 1) Input from Outreach Coordinator on upcoming outreach events
- 2) Input from Commission Members on potential outreach events

Commissioner Johnson:

- November 2 – Cesar Chavez Memorial Golf Tournament
- November 3 – Kiwanis' Casino Night, Janet Goeske Senior Center
- November 6 – Election Day
- November 8 – "Stuff the Bus", City Hall, 10th and Main Streets
- November 12 – 42nd Annual Anderson Copeland Veterans' Recognition Luncheon, Kansas Avenue SDA Church
- November 13 – "Give Big" Online Fundraiser
- November 14 – Christian Intercessors of the Nations Organization (CIONO) Turkey Distribution

Commissioner Adams:

- November 10 – presentation at Riverside Community Health Foundation

Chairwoman Roberts:

- Obtained information at NACOLE about a non-profit group called PERT (Psychiatric Emergency Response Team);
- PERT members partner with law enforcement, forming a team, with a psychiatric professional goes out with an officer to assist in dealing with subjects who may have mental health issues;
- Believes it would be worthwhile to have PERT representatives give a presentation to the Commission and Chief Diaz;
- Aware that RPD had mental health representatives at one time, but that program has been affected by the current state of funding;
- Would like discussion agendized regarding the scheduling of a presentation early next year.

Commissioner Rotker:

- Also attended the PERT seminar;
- Very impressed by what is done in San Diego;
- If Riverside had had similar teams in place, the October 14th incident would likely not have happened;
- Would be a monumental step for the City and RPD to have a program like this.

Asst. Chief Vicino advised that Riverside County currently provides RPD with one mental health worker, and while he hadn't yet had a chance to look at the information Chairwoman Roberts gave him, he said that RPD would be more than happy to look at what PERT has to offer.

CPRC Ad-hoc Committees

A) Policies, Procedures, & By-Laws (PPBL)

Committee Chair Rotker noted that the committee would meet after the regular meeting.

B) 2012 Annual Report Ad-hoc Committee

Committee Chair Smith said that the committee had not met yet in October, but hoped to have discussion on the agenda next month.

OLD BUSINESS

Officer-Involved Death (OID) Case Evaluation

A) Continue Millon OID Case Evaluation

Chairwoman Roberts opened this item with discussion of the rationale for this case. She noted that she had written a rationale with the thought of combining what was submitted by the other commissioners. Extensive discussion ensued over who should be writing the rationale: a commissioner or the CPRC Manager.

Commissioner Rotker:

- it causes confusion for the Chair to draft the rationale instead of the CPRC Manager;
- it is changing policy;
- the CPRC Manager has always written the rationale;
- would like this to done as it has been in the past

Commissioner Johnson:

- agreed with Commissioner Rotker;
- would rather have the Chair submit a separate rationale;
- no problem with Chair using other rationales to consolidate, but the subsequent overview should be kept separate;
- Chair should be able to draft the final rationale.

Commissioner Adams:

- Agreed with Commissioner Rotker that the drafting of the rationale be done the way it has been done in the past;
- CPRC Manager should be the person to combine commissioner rationales;
- There should be consistency and a standard practice that the Commission follows;
- All commissioners should submit rationales and the CPRC Manager should finalize.

Commissioner Ortiz:

- Agreed with Commissioner Johnson, but is okay with the Manager writing the rationale;
- Should be able to accept the Chair's final version.

Chairwoman Roberts:

- There is no policy regarding writing the rationale and if everyone agrees with it, it shouldn't matter who wrote it;
- Okay with CPRC Manager writing the compilation;
- Nothing memorialized that says commissioners have to submit a rationale.

Vice-Chair Jackson:

- Flow process of OIDs was confusing when first starting with Commission;
- Procedure should stay consistent;
- Not concerned with who writes it, but that it is well written;
- All nine rationales should be made available simultaneously for Commission review.

Mr. Hauptmann:

- Compilation of rationales is helpful rather than keep notes on comments made during meetings;
- It is the Commission's report and its decision as to how to proceed;
- Nothing memorialized that says commissioners have to submit a rationale.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That each commissioner write a findings rationale for OID cases; that rationales be made available for review only after all have been submitted; and that the final compilation be drafted by the CPRC Manager.	Adams	Rotker	Rotker Smith Sawyer Jackson Adams	Johnson Ortiz Roberts	0

After the vote, Chairwoman Roberts posed the question as to who would draft the final compilation if Mr. Hauptmann were not here. Commissioner Adams responded that if the position were vacant, someone would act as the interim.

Chairwoman Roberts again commented that she believes the Chair has the discretion to write the report.

Commissioner Rotker stated his support of Commissioner Adams' comments, saying that the motion shows consistency.

NEW BUSINESS

Template for Officer-Involved Death (OID) Case Rationale

Discussion and action, if any, regarding the creation of a template for use by commissioners when drafting an officer-involved death (OID) case rationale.

Mr. Hauptmann said that new commissioners had questions concerning the writing of OID rationales, so he created a template which that would also help commissioners with the narrative portion's statement regarding the basis of the finding of "Within Policy" or not. He said that the template also notes that the rationale follows the Penal Code and RPD policy. He said it will also make compiling the final rationale much easier.

Commissioner Johnson said he initially had reservations about using a template as he thought it would be inhibiting. After reviewing the template draft, he believes that it allows for a commissioner to give open-minded comments. He then made a motion that it be adopted.

Vice-Chair Jackson asked if the Commission reviews the process of RPD Policy 4.8, if the Commission looks at RPD's investigation process or just the policy itself.

Mr. Hauptmann said that the template is worksheet for commissioners and that they need to keep in mind that when they make a finding, they are also reviewing the RPD policy. He noted that commissioners could add anything while writing their rationale.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Adoption of the template for commissioners' writing of Officer-Involved Death Case Rationales, with the addition of a section for recommendations	Johnson	Adams	Unanimous	0	0

Amendment to CPRC Policies and Procedures

Discussion and action, if any, to make the following amendment to CPRC Policies and Procedures (suggested changes are in bold only):

Section VIII. Investigations, Subsection C. Commissioner Notification:

~~Each Commissioners~~ will be ~~provided~~ **advised** ~~when a copy of~~ the synopsis, prepared by the Manager, **has been uploaded to Laserfiche**. This synopsis is **Confidential** and will be ~~provided~~ **available** to the commissioners no later than ~~ten (10)~~ **five (5)** days before the next scheduled **case review** meeting. It is the commissioner's obligation to ~~come into the CPRC office and~~ review the case file prior to the meeting when deliberations will take place.

Mr. Hauptmann said the policy needed to be updated to reflect the method now used to advise when new complaint cases were available for review. He noted that the current method actually allows for a shorter time frame to provide the completed synopsis for Commission review.

Commissioner Ortiz recommended changing "has been uploaded to Laserfiche" to "is available electronically".

Commissioner Rotker recommended changing "five (5) days" to "five (5) business days".

Chairwoman Roberts recommended removal of the word "will" in the last line.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
<p>Amend CPRC Policies and Procedures, Section VIII. Investigations, Subsection C. Commissioner Notification, as follows:</p> <p>Commissioners will be advised when the synopsis, prepared by the Manager, is available electronically. This synopsis is <u>Confidential</u> and will be available to the commissioners no later than five (5) business days before the next scheduled case review meeting. It is the commissioner's obligation to review the case file prior to the meeting when deliberations take place.</p>	Rotker	Smith	Unanimous	0	0

Officer-Involved Death (OID) Case Information

Discussion and action, if any, regarding RPD's public discussion of officer-involved death incidents prior to the Commission's receipt of the casebook.

Commissioner Rotker said he was concerned when Chief Diaz gave a press conference concerning an OID the Commission had not yet reviewed. He said that while he supports what Chief Diaz did, he would hope that when something like that is done, RPD Command Staff would address the Commission regarding the reason for the press conference and give the Commission an opportunity to ask RPD management if what was read in paper actually occurred.

Commissioner Johnson said that while the Commission has purview of an OID, it should not overstep its bounds by telling Chief Diaz how he should conduct his business.

Commissioner Ortiz agreed with Commissioner Johnson.

Commissioner Rotker said he would just like RPD to consider speaking to the Commission about things of this nature. He said he did speak with Asst. Chief Vicino, however, and everything was "taken care of."

Commission Commendations to Officers

Discussion and action, if any, regarding whether or not the Commission may provide a formal commendation to RPD officers for their achievements in off-duty activities.

Commissioner Johnson:

- Appreciate what officers do and that it is important for officers to be involved in off-duty activities, but doesn't think the Commission should commend officers for those off-duty activities;
- Perception is key. Does not want the public to think the Commission is in line with officers.

Vice-Chair Jackson:

- Had said to congratulate the officer, not commend him;
- When officers are in uniform they aren't officially off-duty;
- The intent of the "rodeo" was to assist injured officers or the families of officers who lost their lives in the line of duty;
- This was not meant to be a formal commendation, but a congratulatory note recognizing the officer's achievement at that event;
- NACOLE showed that sometimes the Commission has to work with officers;
- Actions of officers for youth is outside their normal duties, but think that action is commendable;

- It doesn't hurt for the Commission to tell officers "job well done".

Commissioner Smith:

- Wasn't suggesting that commissioners couldn't remain unbiased;
- There is a concern about the public's perception of the Commission's actions and that sending commendations or congratulations for these kinds of activities goes too far.

Commissioner Adams:

- Agrees with Commissioners Johnson and Smith;
- The Commission is not here to judge officers on what they do outside their normal job.

Commissioner Ortiz:

- Shared concerns that the Commission could be perceived to be too closely aligned with RPD;
- Noted that members of the public aren't commended.

Chairwoman Roberts:

- Agrees with Commissioner Ortiz;
- The Commission should also commend citizens for their activities;
- Does not think it a good idea, however, to make a "hard and fast rule" that commendations cannot be made;
- Decisions for those actions should be done on a case-by-case basis.

Mr. Hauptmann:

- Critical that the Commission remembers its responsibility as an independent body and the perceptions of the public;
- Urged caution as to what the perception of giving a commendation could be and that it could be misconstrued by some.

There was no action taken. Commissioner Smith said this agenda item had not been offered for the Commission to take action on, but more as "food for thought."

Commission Member Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Johnson apologized to Commissioner Rotker for possibly offending him by his incorrect use of a word when describing something Commissioner Rotker had said. Commissioner Rotker's response was, "I still love ya, Jon."

Commissioner Smith voiced her appreciation at the opportunity "to grow and stretch" due to her association with CPRC commissioners. She also said she is another year older, had cake to share, and thanked the Commission for the card.

Commissioner Rotker also thanked the Commission for his birthday card and cupcake in September.

Vice-Chair Jackson recommended that commissioners check out the Optimists' Club website and read their creed. She said it is very unusual to see a group whose whole way of thinking is optimistic. She was glad to participate in the presentation to that group and tell them how glad she is to be part of the CPRC team.

Items for Future Commission Consideration

Chairwoman Roberts noted PERT, which she had mentioned earlier in the meeting.

Commissioner Ortiz said that the Give Big Riverside campaign is taking place on November 13th. He noted that one of the non-profit organizations in the Give Big list is "Dollars for Scholars", and he is Greater Riverside's "Dollars for Scholars" president. He asked that commissioners go to the Give Big website, look at the list of non-profit organizations, and make a donation, if possible.

Staff Report


Mr. Hauptmann gave an update on the Commission's budget:

- \$50,000 is allotted for Professional Services which is used for the CPRC investigator along with other professional-type services;
 - At the end of September, the account balance is \$46,625.
- CPRC's total available balance is \$180,255.

Adjournment

The Commission adjourned at 7:31 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist

10-24-12 Minutes – Oct Regular